

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 23rd DAY OF AUGUST 2004, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	Steve L. Spradlin	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Steve Sandy	-Zoning Administrator
	Vickie L. Swinney	-Secretary
ABSENT:	James D. Politis	-Chair

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Vice-Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit Amendment

Quorum Holding Corporation (Agent: Gay and Keesee, Inc.) requests an amendment to a Special Use Permit approved on May 10, 2004 for 2.029 acres in General Business (GB), with possible conditions. The requested amendment would allow for a new exit onto Route 460. The property is located at 3950 South Main Street and is identified as Tax Parcel Nos. 67-4-5F (Acct ID # 035453) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Zoning Administrator provided a brief overview of the proposed amendment. On May 10, 2004, the Board of Supervisors approved a Special Use Permit for Quorum Holding to allow a mixed use building containing retail and mini warehouses located at 3950 South Main Street (460 Business Route). Quorum Holding is requesting an amendment to this Special Use Permit to allow them to construct a new exit ramp onto South Main Street. This ramp will be for exiting only. At their August 11, 2004 meeting, the Planning Commission recommended approval of this request.

John Neel, Gay and Keesee, Inc., agent for the applicant, explained the need for a new exit ramp. The ramp is needed in order to allow delivery trucks ample space to turn around and exit the property. The current entrance does not allow trucks sufficient space to back up and leave via the current entrance. Mr. Neel also addressed concerns about stormwater management and explained plans will be submitted and reviewed by the District Traffic & Safety and Drainage Department of VDOT. All stormwater management plans must meet the state requirements.

There being no further speakers, the public hearing was closed.

Rezoning Request

Hash Investments (Agent: Gay and Keesee, Inc.) request to rezone 11.142 acres from Agriculture (A-1) to Rural Residential (R-R), with possible proffered conditions, to allow a single-family subdivision containing approximately seven (7) lots. The property is located on the southeast side of Childress Road approximately 630 feet north of the Sassafrass Road intersection and is identified as Tax Parcel No. 127-A-24A (Acct ID # 110047) in the Riner Magisterial District. The property currently lies in an area designated as Agricultural/Rural in the Comprehensive Plan.

The Planning Director provided a brief overview of the request. The applicant has requested to rezone 11.142 acres to allow a single family subdivision containing seven lots. The property is located on Childress Road near the Childress and Sassafrass Intersection. Farmland and rural residential zoning surround the property. In February 2002, 22 acres was rezoned allowing 12 lots, and 25 acres to the east was rezoned in January 1988 allowing 20 lots. At their August 11, 2004 meeting, the Planning Commission recommended denial of this request unless the applicant proffered that each house would have a conventional septic system located on the same lot as that house serves. The Planning Director reported the applicant did submit a proffer with revised plans. The total lots decreased from seven to six, the exception of Lot 1, will have a conventional septic system located on the same lot. Planning staff also recommended the proposed public road in this development should be connected to the existing 50 foot right-of-way on the adjoining property to provide more than one access road.

The Board asked that since this proffer was made at the request of the Planning Commission's would the Planning Commission now recommend approval. The Planning Director indicated that approval would be recommended based upon the revisions.

John Neel, Gay and Keesee, Inc, agent for the applicant, stated the applicant did submit a revised plan to the Planning Department, which addresses the Planning Commission's concerns. As the Planning Director reported, one lot has been eliminated to allow for the remaining lots to house their own septic system with the exception on Lot 1. The drainfield on Lot 1 will not allow a septic system. Mr. Neel also addressed the connector road to the adjoining property. The layout of the property is at an angle and the degree of slopes prevents proper connection.

There being no further speakers, the public hearing was closed.

Special Use Permit – Request Withdrawn by the Applicant

WTB Partnership (Agent: Roy Michael McPeak) requests a Special Use Permit on a 0.335 acre tract in General Business (GB), with possible conditions, to allow a commercial kennel. The property is located at 715 Davis Street and is identified as Tax Parcel Nos. 67A-A-7 (Acct ID # 017338) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Vice-Chair Perkins reported that this request was withdrawn by the applicant by letter dated August 23, 2004. The applicant can resubmit this request in the future. Due to the public hearing being advertised, public comment will be taken.

There being no speakers, the public hearing was closed.

Ordinance Amending Chapter 10, Entitled Zoning, of the Montgomery County Code

Montgomery County Planning Commission requests an ordinance amending Chapter 10, Section 10-27(c) of the Code of the County of Montgomery, Virginia, entitled Zoning, eliminating the net density limitation in the Residential, Multi-Family (RM-1) zoning district.

The Zoning Administrator provided a brief overview of the proposed ordinance. On June 28, 2004 the Board of Supervisors requested the Planning Commission to review the Zoning Ordinance in reference to Mr. Stephen Rice's request to amend the Zoning Ordinance to allow him to construct rental apartment townhouses on the old Brookmeade Nursing Home property. According to the current Zoning Ordinance this proposal would not be allowed due to the property being located within the 100 year floodplain. The proposed amendment to the Zoning Ordinance will eliminate the net density limitation, which will allow the development within the flood plain.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Mary Houska, President, League of Women Voters, addressed the Board about concerns related to electronic voting machines. Ms. Houska stressed the need for voter faith that every vote is recorded. She believes the Electoral Board is dedicated to achieving this purpose. The Help America Vote Act mandates that electronic voting machines are in place by the year 2006. Ms. Houska believes that since computers are complex machines, certain security measures need to be in place, such as, paper trails. Ms. Houska stated that bills have been introduced in the both the State Senate and House of Delegates to require a paper trail. Also, a committee by the General Assembly has been created to study the electronic voting machines and Ms. Houska requested the purchase of these machines be delayed until the report is finalized.

Robert “Bob” Dyck submitted the following comments to the Board of Supervisors and requested they be entered into the minutes:

“BOS PUBLIC ADDRESS: DELAY PURCHASE OF VOTING MACHINES 8-23-04

Robert Dyck, 2905 Ashlawn Drive, Blacksburg

As a citizen concerned about County purchase of the right kind of electronic voting equipment, I have talked several times in recent weeks with Randy Wertz. However, I did not achieve full understanding of the really crucial *paper trail audit issue* until recently, and I want to share my understanding with you all just as I did with Randy.

The first point is this: *all three* of the computerized voting systems that will be used nationally in the 2004 elections use computer codes that are hackable (riggable). Included are the Direct Recording Electronic (DRE) systems that have been recommended for use in Virginia.

Secondly, the principal proposed security safeguard for the DRE system was invented but not patented ten years ago by Rebecca Mercuri, now a research fellow at Harvard. After voters record their choices on the touch-screen, they confirm them on a paper ballot that appears under glass and push a button to cast their vote, causing the machine to deposit the paper ballot in a box that will hold it for recounting if an audit is required for any reason. The fact that the technology is not patented means that voter-verifiable paper ballot technology is accessible for use by any of the voting machine manufacturers.

Without this system, there is no known or acceptable method of *audit* for DRE machines. It is not sufficient to have a personal voting receipt handed out to each voter, nor is it valid to claim, as many companies do, that internal logs and reports printed out by the machines represent a viable audit trail. Informed computer scientists agree unanimously that the machines are riggable and that if the first set of internal ballot images is corrupted, the subsequent images will also be corrupted. Thus, the *only* viable method of audit is by way of DRE's that have a built-in capacity to produce a voter verifiable paper trail or ballot as previously described.

So far, it is my understanding that the state election board has not yet certified any voting machine that incorporates voter verifiable paper trail technology. Why this is so is a complete mystery to me, and, in my view, extremely unfortunate. I do believe that it has to be just a matter of time before such approvals are forthcoming, and I strongly urge the Board of Supervisors to delay its purchase of voting machines a few more months until viable purchase options are certified by the state board. Otherwise, I fear a lot of money could be wasted, and a lot of citizens upset by a recent recommendatory process that appears to have been much too hasty, if indeed it was conducted with due attention to legal notification requirements for public meetings by the Board of Elections.

I urge you to consider this matter as a crucial non-partisan issue about enfranchisement and fairness to all voters. Both political parties and all citizens have a right to a voting process that they can trust based on a viable audit process, namely, the one I have proposed, which does provide the means for direct and reliable recounts when required.”

Lyndall Keffer submitted the following comments to the Board of Supervisors and requested they be entered into the minutes:

“To Local County Board of Supervisors:

On March 29, 2004, the Board of Supervisors of Craig County, VA passed the attached resolution in support of HR 2239 and SB 1980. HR 2239 and SB 1980 both require that voting machines have a voter-verified paper trail.

The original intent of the Help America Vote Act included a voter-verified paper trail. Currently, machines certified in VA fail to offer this. Some machines certified in VA do have a paper tape within the machine but this does not constitute a voter-verified paper trail. It has come to my attention that many local electoral boards may believe that the paper tape constitutes a voter-verified paper trail. This is not the case.

On the state level, two bills introduced this year (SB 137 and HB 1200) were referred to the Committee on Privileges and Elections and were later continued to 2005. The identical bills provide that direct electronic voting devices such as touch screen devices must be equipped to provide a paper copy record of the votes cast on a contemporaneous and continuing basis as votes are cast and accumulated on the device. The voters of Virginia deserve at least this level of protection, even though these bills fail to provide for a voter-verified paper trail. For some reason, voter registrars are strongly opposed to these bills.

State election officials in California, Nevada, Missouri, West Virginia, Oregon, New Hampshire, Illinois, and Maine have already used their authority to protect their citizens by requiring that computer voting systems in their states provide the voter-verified paper trail. We deserve the same protection. Tell Mark Warner to do the same for Virginia.

Please consider supporting the Resolution Craig County has passed in support of HR 2239 and SB 1980 and forward to all appropriate local, state, and federal officials. I would encourage counties to hold off making a decision on which machines to purchase until this issue is resolved.

If you have any questions, please contact Lyndell Keffer at (540) 951-9648 or email at jkeffer4@earthlink.net, or Craig County Administrator Larry V. Moore, Sr. at (540) 864- 5010 or email at craigcounty@yahoo.com.

August 23, 2004

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Sincerely,

Lyndell Keffer
Former Chairman Board of Supervisors”

Tom Joy submitted the following comments to the Board of Supervisors and requested they be entered into the minutes:

“BOARD OF SUPERVISORS PUBLIC ADDRESS: WINVOTE ELECTRONIC VOTING MACHINE MAY NOT BE THE BEST CHOICE 8-23-04

Tom Joy, 1156 Hightop Road, #189, Blacksburg

I am here tonight as a private citizen and as a representative of Virginians for Verified Voting, a grassroots organization with the goal of ensuring that every Virginia voter is able to vote with a high degree of confidence that their vote will be accurately registered and counted.

I'm aware that the Montgomery County Electoral Board has responded to the approaching HAVA deadline by recommending for purchase the WINvote touch screen electronic voting machine made by Advanced Voting Solutions. I'm also aware that although this machine does not produce a voter verifiable paper ballot, neither do any of the five other direct recording electronic voting machines (DREs) certified by the State Board of Elections as being usable in Virginia. However, I would like to point out two reasons that, in my opinion, make the WINvote among the least desirable DREs to purchase, its ease of use notwithstanding.

The first reason is that the WINvote DRE has a wireless networking capability. I have been informed that legislation now pending at the national level will, when it is passed, prohibit the use of wireless technology for DREs because of concerns that they could be influenced by a hacker operating at a distance. Therefore, even though the possibility of remote hacking seems remote in Montgomery County, I question the wisdom of spending money for a capability that will likely be of no use when national legislation is eventually passed.

The second reason why the WINvote DRE may be a poor choice is the nature of the printer attachment. When national legislation is eventually passed requiring that DREs produce voter verifiable paper ballots, existing DREs, including the WINvote have printer ports for attachment of printers. I have only seen a sketch of the WINvote printer that was provided to Bob Dyck by Randy Wertz. Based on the sketch, it appeared possible that the printer might be of the type that feeds blank paper from one reel and spools it on another after a vote has been recorded. This type of arrangement preserves the order of the vote, and could potentially be used to penetrate voter anonymity.

In conclusion, I request that the Board of Supervisors delay approving the purchase of the WINvote DRE until other DREs have been reconsidered and other options explored. A massive purchase of DREs is not the only option for complying with HAVA. Other less expensive and more secure options exist and should be explored before Montgomery County commits to such a purchase.”

Charlie Elgin addressed the Board regarding the Montgomery County Electoral Board. Mr. Elgin stated the Electoral Board's agenda was different than what was published. He also expressed his concern with the Electoral Board making a decision to purchase the WINvote machines after the public had left the meeting.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated August 23, 2004 was approved.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		
John A. Muffo		
Annette S. Perkins		

R-FY-05-25 **SCHEDULE A PUBLIC HEARING** **ON THE PROPOSED** **AMENDMENT TO THE WASTEWATER** **PRETREATMENT ORDINANCE**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby schedules a public hearing for Monday, September 27, 2004 at 7:15 p.m. in the Board Chambers 2nd Floor, Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia to hear citizens' comments on the following:

An Ordinance Amending Chapter 9.2, Entitled Wastewater Pretreatment, Sections 9.2-1, 9.2-3 Through 9.2-14 and 9.2-16 Respectively of the Code of the County of Montgomery, Virginia in Order to Establish Local Pretreatment Pollutant Limits and to Incorporate the Updated Department of Environmental Quality Regulations.

R-FY-05-26
VACATION OF RIGHT-OF-WAY
HAWKS FLIGHT SUBDIVISION

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The landowners, John and Dawn Bowler for Tract 13 and Alan Gillis for Tract 14 of Hawks Flight Subdivision have requested the vacation of a portion of right-of-way of Cassatt Lane that adjoins their properties; and

WHEREAS, Section 15.2-2272.1 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate public rights-of-way upon request of the landowners involved.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby approve the Plat Showing Vacation of Right-of-Way of Cassatt Lane (L. J. Quesenberry Job No. 30691 dated 6 November 2003 and revised 15 June 2004) for Tax Parcels 106-19-13 and 106-A-48A (Acct ID# 110052 through 090090) in the Riner Magisterial District.

FURTHER, The Subdivision Agent is hereby authorized to sign said plat for recordation.

R-FY-05-27
SPEED STUDY REQUEST
HUFF LANE (SR 733)

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, On August, 9, 2004, the Board of Supervisors of Montgomery County approved the Frank & Ruth Cupp rezoning request on Huff Lane (State Route 733) subject to a single driveway serving the three duplex townhouses; and

WHEREAS, An entrance permit from the Virginia Department of Transportation for a single driveway serving the three duplex townhouses cannot be approved unless the current speed limit of 55 mph can be lowered to 25 mph.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing the speed limit to 25 mph.

R-FY-05-28
SPEED STUDY REQUEST
STRALEY VALLEY (SR708)

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Straley Valley (SR 708) from the Intersection of Norris Run (SR 708) to the National Forest Service Road to reduce the speed limit to 25 mph in order to improve the safety in this area; and

WHEREAS, Pursuant to the Board's policy adopted November 13, 1996, this petition contains the signatures of a least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing the speed limit to improve the safety of this area.

R-FY-05-29
SPEED STUDY REQUEST
WAKE FOREST ROAD (SR 696)

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Wake Forest Road (SR 696) from McCoy Road (SR 652) to Shale Road to reduce the speed limit in order to improve the safety in this area.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing the speed limit to improve the safety of this area.

INTO WORK SESSION

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Presentation of the Revised Comprehensive Plan
2. Montgomery County Electoral Board - Electronic Voting Machines

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
Steve L. Spradlin		
Gary D. Creed		
John A. Muffo		
Mary W. Biggs		
Annette S. Perkins		

Montgomery County 2025 Comprehensive Plan

Don Linkous, Chair of the Planning Commission, reported on the comprehensive planning process since their last update to the Board of Supervisors on June 14, 2004. At the Planning Commission's public hearing on the 2025 Comprehensive Plan on June 30, 2004, 22 people addressed the Planning Commission and numerous letters and e-mails were received. The Planning Commission made revisions to the plan July 21 through August 11, 2004, which were minor in nature. A copy of the revised plan was submitted to the Board of Supervisors. Mr. Linkous explained that a resolution is on the Board's agenda for consideration after the work session, to schedule the Board of Supervisors public hearing on the comprehensive plan for September 27, 2004. The Board of Supervisors will need to forward any comments and/or revisions to the Planning Commission. After all revisions are made, the Board of Supervisors will then take action to approve the 2025 Comprehensive Plan.

Mr. Linkous explained that the Planning Commission received six requests for map revisions from landowners. The landowners requested a change in the zoning of their property in the comprehensive plan. The Planning Commission conducted a field trip to visit each site to review the request. Two were changed as requested (Wake Forest Road, Prices Mountain), two were partially changed as requested (Thomas Lane, Childress Road), and two were not changed (Merrimac Road, Christiansburg Middle School).

The Planning Director at this point explained the village expansion plan concept. There are six areas identified as village areas in the county. The Elliston/Lafayette Village Plan is underway. The Planning Director explained the remaining five village plans will need to be prioritized and asked the Board of Supervisor for their recommendations. The remaining five village plans are as follows:

- Belview
- Plum Creek
- Prices Fork
- Riner
- Shawsville

The Planning Director explained that two village areas could be planned out in a calendar year. The plan would consist of transportation, business, recreation, development, and water and sewer.

Vice-Chair Perkins expressed her appreciation to the Planning Commission members for their dedication and time spent on revising the comprehensive plan. She noted that many hours went into the revisions, from holding community meetings and special meetings to discuss the comprehensive plan. The Board recognized all Planning Commission members that were present at the meeting.

Montgomery County Electoral Board

Montgomery County Voter Registrar, Randy Wertz, introduced members of the Montgomery County Electoral Board: Dean Dowdy, Chair; Rosalie Page, Vice-Chair. Ms. Brenda Eanes who also serves on the Board was not present. He also introduced Kimberlee Shoup-Yeahl, customer representative for Advance Voting Solutions. Mr. Wertz stated Mr. Dowdy would present the history behind the electronic voting machines and he would report on the timeline in which to purchase the machines.

Mr. Dowdy explained that due to problems that occurred with the presidential election of 2000, the federal government adopted the Help America Vote Act in 2002, which requires all localities to replace punch card and lever machines by January 1, 2006. Montgomery County has used the Shoup lever machines since the 1930's. Congress has appropriated money for the purchase of digital recording electronic (DRE) touch-screen machines and Montgomery County has been allocated \$412,000. Localities must choose equipment that has been certified at the national and state level. The Virginia State Board of Elections has certified six machines for localities to choose from. At the current time, there are three more machines the Virginia State Board of Elections is reviewing, but they have not been certified. The Electoral Board then started a review process two years ago, reviewing all six machines that were certified. The Electoral Board has received numerous hours of training and attended many conferences on the new electronic voting machines. A company representative from each of the six certified machines was requested to provide a demonstration of their machine, which proved to be valuable. At their July 28, 2004 meeting, the Electoral Board decided to purchase the WINvote machines from Advanced Voting Solutions. This machine has also

been purchased by Roanoke County, Floyd County and Botetourt County. They believe this machine contains the most modern and secure technology of the six options available. Mr. Dowdy explained that the new voting machines must be in place in time for the November 2006 elections and the State Board of Elections set a deadline of January 2006 for localities to submit reimbursement requests.

Mr. Wertz reported on the proposed time-line by the Electoral Board. They wish to purchase 110 WINvote machines and have 21 delivered by the November 2004 election in order to have them placed at each precinct to familiarize the public with the new electronic machines. Mr. Wertz also explained that the Electoral Board would like to educate the public and hold demonstrations at civic groups, community meetings, and public places. They also need time to train the poll workers. He would like to use the new machines for the first time in the June 2005 Republican primary election.

The Board of Supervisors expressed concern with the Electoral Boards decision to purchase the WINvote machines at this time. Several Board members expressed concerns with the lack of a paper trail. Mr. Dowdy explained that none of the state certified machines currently provide an individual paper receipt, but the WINvote does have the capability to be modified in a paper trail becomes necessary or desired. Mr. Dowdy also explained that the State Board of Elections would have to certify these changes.

The Board of Supervisors noted that the General Assembly has appointed a committee to review the voting machines recommended by the state board of elections. The report is scheduled to be delivered to the General Assembly in the 2005 session. The Board asked if the purchase of the new machines could be delayed until the report is submitted and recommendations made. The Board also wanted to know if 21 machines could be leased or borrowed for the November 2005 election for demonstration purposes rather than purchasing the machines at this time. Mr. Wertz noted that he would have to check with Advanced Voting Solutions to see if this is a possibility. He also commented that the HAVA funds could only be used to purchase machines, not leased.

The Board of Supervisors requested the Voter Registrar to investigate the possibility of leasing the machines and how HAVA funds can be used. They requested the County Administrator and County Attorney to assist the Voter Registrar with this matter and provide information to them as soon as possible.

OUT OF WORK SESSION

On a motion by John A. Muffo, Seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Mary W. Biggs		
Doug Marrs		
Annette S. Perkins		

OTHER BUSINESS

R-FY-05-31 **SCHEDULE A PUBLIC HEARING** **MONTGOMERY COUNTY 2025 COMPREHENSIVE PLAN**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery Virginia, hereby schedules a public hearing for Monday, September 27, 2004 at 7:15 p.m or as soon thereafter, in the Montgomery County Government Center, 2nd Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia to receive public comment on the following:

Montgomery County 2025 Comprehensive Plan

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		
Annette S. Perkins		

COUNTY ADMINISTRATOR'S REPORT

FY 04-05 Budget Revision Book The County Administrator reported that Board members have been provided an FY 04-05 Budget Revision Book. Each month a report will be provided to the Board regarding the budget.

Elected Officials Picnic – The County Administrator reminded Board members of the Elected Officials Picnic scheduled for August 29, 2004 at 1:00 p.m. at Randolph Park in Dublin.

Joint meeting with the Town of Blacksburg and Town of Christiansburg Board members were asked to check their calendars to see if Thursday, September 30, 2004 was a suitable date for the joint meeting with the two towns. The majority of the Board members stated this date was suitable and the joint meeting is to be scheduled for September 30, 2004, time to be determined.

BOARD MEMBERS' REPORTS

Supervisor Spradlin received a message from Kenneth Shrewsberry with concerns about obstacles on the secondary roads.

Electronic Voting Machines Supervisor Spradlin expressed his concerns about purchasing new electronic voting machines before the General Assembly committee issues their report. He believes the County should pursue leasing 21 WINvote machines, enough for all precincts, in order to let the citizens get familiar with the machines. He asked how the other Board members felt about this proposal.

The Board discussed this proposal and several issues were raised.

What is the lead time in leasing/purchasing WINvote machines?

Can the WINvote machines be leased?

Can the HAVA money be used to lease machines?

Will Advanced Voting Solutions be willing to let the County borrow 21 Winvote machines for the November 2004 election for demonstrations?

The Board asked the Voter Registrar to investigate these issues and report back to the Board by the next Board meeting. The County Administrator and County Attorney were requested to work with the Voter Registrar.

Supervisor Muffo attended the reception for Tetra's Management Team hosted by LeClair Ryan Flippin Desmore at the Grove, President Charles Steger's residence on the Virginia Tech campus. The tetra aquaristic and pond business was recently sold to the Triton Fund, a private, independent European Investment Fund. The reception was to honor the new company and Tetra's management team. Supervisor Muffo stated he was impressed by Brian Hamilton, Montgomery County's Economic Development Associate Director.

Suntrust Bank Ribbon Cutting – Supervisor Muffo attended the ribbon cutting for Suntrust Bank in Blacksburg. He noted that Suntrust Bank donated \$500 to the Boys and Girls Club.

Supervisor Creed – Replacement of Low-Water Bridge on Lavender Road- Supervisor Creed requested staff to contact VDOT about the status of the replacement bridge on Lavender Road off Mt. Pleasant Road.

Supervisor Biggs attended the Library Board meeting on August 18, 2004.

Childress Road – Rumble Strips Supervisor Biggs received an e-mail from Tonya Bowyer with a complaint about the rumble strips being installed on Childress Road. Supervisor Biggs submitted the letter to the County Administrator.

Supervisor Marrs attended a Fairview Home Board meeting to discuss the management issues at the Home.

Adelphia Cable T.V. Supervisor Marrs received an e-mail from Leon Geyer with complaints about Adelphia Cable T.V. Supervisor Marrs submitted the letter to the County Administrator.

Supervisor Perkins attended several meeting over the past few weeks and indicated material from these meetings have been included in the Board packets.

INTO CLOSED MEETING

On a motion by Steve L. Spradlin, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- | | |
|------------------|---|
| Section 2.2-3711 | (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body |
| | 1. Board of Zoning Appeals
2. Office on Youth Advisory Board
3. Juvenile Detention Commission
4. Personnel |
| | (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or |

Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Meadowbrook Center
2. Blacksburg/Christiansburg Water Authority

- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

1. Expansion of an Existing Business

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		

OUT OF CLOSED MEETING

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs
Gary D. Creed
John A. Muffo
Doug Marrs
Steve L. Spradlin
Annette S. Perkins

NAY

None

ABSENT

James D. Politis

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Gary D. Creed
John A. Muffo
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

APPOINTMENTS

**R-FY-05-32
APPOINTMENT
BOARD OF ZONING APPEALS**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends to the Circuit Court Judge re-appointment of **Richard M. Barnett** to the **Board of Zoning Appeals** effective August 24, 2004 and expiring August 23, 2009.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Mary W. Biggs		

**R-FY-05-35
APPOINTMENT
OFFICE ON YOUTH ADVISORY BOARD**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia re-appoints **Judy Murray** to the Office on Youth Advisory Board effective September 1, 2004 and expiring August 31, 2007.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Mary W. Biggs		

R-FY-05-34
APPOINTMENT
OFFICE ON YOUTH ADVISORY BOARD

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia re-appoints **Jack E. Call** to the Office on Youth Advisory Board effective September 1, 2004 and expiring August 31, 2007.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Mary W. Biggs		

R-FY-05-33
APPOINTMENT
OFFICE ON YOUTH ADVISORY BOARD

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia re-appoints **Juanita Thornton** to the Office on Youth Advisory Board effective September 1, 2004 and expiring August 31, 2007.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Mary W. Biggs		

**R-FY-05-36
APPOINTMENT
JUVENILE DETENTION COMMISSION**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Lewis E. Armistead, III** to the Juvenile Detention Commission effective August 24, 2004 and expiring August 23, 2008.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Mary W. Biggs		

OTHER BUSINESS

**R-FY-05-37
A RESOLUTION IN SUPPORT OF CORNING, INC.'S
APPLICATION TO THE VIRGINIA DEPARTMENT OF RAIL
AND PUBLIC TRANSPORTATION
FOR INDUSTRIAL ACCESS RAILROAD TRACK FUNDS
IN THE AMOUNT OF \$450,000**

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, Corning, Inc. has expressed its intent and desire to the Montgomery County Board of Supervisors to invest significant new capital and expand its existing Industrial Operations in Montgomery County, Virginia; and

WHEREAS, Corning, Inc. and its operation will continue to require Rail Access; and

WHEREAS, The officials of Corning, Inc. have reported to the County their intent to apply for Industrial Access Railroad Track Funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of \$450,000; and

WHEREAS, Corning, Inc. has requested that the Montgomery County Board of Supervisors provide a resolution supporting its application for said funds, which are administered by the Virginia Department of Rail and Public Transportation.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby endorses and supports the application of Corning, Inc. for \$450,000 in Industrial Access Railroad Track Funds; and

BE IT FURTHER RESOLVED, That the Montgomery County Board of Supervisors hereby makes known its desire and intent to assist the Commonwealth Transportation Board in providing the maximum financial program assistance to Corning, Inc. for the purpose of expanding its industrial facility in Montgomery County, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Mary W. Biggs		

R-FY-05-38
A RESOLUTION AUTHORIZING THE CHAIRMAN
TO CONTACT AND PETITION
THE BLACKSBURG/CHRISTIANSBURG/VPI WATER AUTHORITY
TO ACCEPT MONTGOMERY COUNTY AS A MEMBER OF THE AUTHORITY

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

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BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the Chairman to contact and petition the Blacksburg/Christiansburg/VPI Water Authority to accept Montgomery County as a member of the Authority.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Mary W. Biggs		

R-FY-05-39
RESOLUTION EXERCISING THE COUNTY'S OPTION TO PURCHASE
THE ENTIRE BUILDING KNOWN AS MEADOWBROOK
PURSUANT TO THE DEED OF LEASE DATED SEPTEMBER 3, 2003,
BETWEEN THE TOMS CREEK INVESTORS, LC AND THE COUNTY
OF MONTGOMERY, VIRGINIA

On a motion by Doug Marrs, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The County of Montgomery, Virginia ("the County") and the Tom's Creek Investors, LC have entered into a Deed of Lease dated September 3, 2003, ("Deed of Lease") whereby the County leases approximately 10,000 square feet in the building known as Meadowbrook for the purpose of operating a Branch Public Library; and

WHEREAS, Pursuant to paragraph 19 of the Deed of Lease, any time after the first year of the Deed of Lease, the County has the Option to Purchase the property by informing the Landlord; and

WHEREAS, The Board of Supervisors desires to exercise the County's Option to Purchase the entire Meadowbrook building from Tom's Creek Investors at the purchase price of one dollar.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to exercise the County's Option to Purchase the entire Meadowbrook building pursuant to Paragraph 19 of the Deed of Lease for the purchase price of one dollar.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby instructs Clay Goodman, County Administrator, to inform Tom's

Creek Investors, LC, in writing of the County's decision to exercise the County's Option to Purchase the entire Meadowbrook building at the purchase price of one dollar and for the County Administrator to proceed with finalizing the purchase and conveyance of the Meadowbrook building on behalf of the County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	James D. Politis
Steve L. Spradlin		
John A. Muffo		
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

ADJOURNMENT

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Monday, September 13, 2004 at 7: 15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Gary D. Creed		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		

The meeting adjourned at 11:35 p.m.

APPROVED: _____	ATTEST: _____
James D. Politis Chairman	B. Clayton Goodman, III County Administrator